



THE FORT ST. GEORGE GAZETTE.

PART IV-B—EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 21

MADRAS, WEDNESDAY, OCTOBER 7, 1942

The following Act received the assent of His Excellency the Governor on the 5th October 1942 and is hereby published for general information:—

ACT No XXIV OF 1942.

An Act further to amend the Madras City Municipal Act, 1910, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1930.

Madras Act
IV of 1910.
Madras Act
V of 1920.
Madras Act
XIV of 1930.

WHEREAS it is expedient further to amend the Madras City Municipal Act, 1910, the Madras District Municipalities Act, 1920, and the Madras Local Boards Act, 1930, for the purposes hereinafter appearing;

AND WHEREAS the Governor of Madras has, by a Proclamation under section 93 of the Government of India Act, 1935, assumed to himself all powers vested by or under the said Act in the Provincial Legislature;

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Now, therefore, in exercise of the powers so assumed to himself, the Governor is pleased to enact as follows:—

Short title.

1. This Act may be called the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942.

Extension of term of office of councillors and aldermen of the Corporation of the City of Madras.

2. (1) The term of office of the councillors and aldermen of the Corporation of Madras which, under the law now in force, extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras City Municipal Act, 1919, as amended by this section, shall have effect accordingly:

Madras Act IV of 1919.

Provided that the Provincial Government shall have power to direct that the terms of office aforesaid shall expire at, or extend up to, noon on such earlier or later date as may be fixed by them and from time to time to advance or postpone any date so fixed and by another date instead.

(2) Where any date other than the first day of November of any year is fixed under the proviso to sub-section (1), the provisions of the Madras City Municipal Act, 1919, shall be subject to the following modifications, namely:—

Madras Act IV of 1919.

(a) The Provincial Government shall cause elections and appointments of councillors and aldermen to be held or made to the council, so that the newly elected or appointed councillors and aldermen may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected or appointed councillors and aldermen shall, subject to the provisions of the Madras City Municipal Act, 1919, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

Madras Act IV of 1919.

(c) The election of the Mayor, Deputy Mayor and members of the standing committees shall be held at the first meeting of the council held after the date referred to in clause (v), and the election of the chairman of each standing committee shall be held at the first meeting of such committee.

(d) The Provincial Government shall have power to direct that the election of the Mayor and Deputy Mayor shall not be held, as required by sub-section (1) of section 26 of the Madras City Municipal Act, 1919, at the first meeting of the council held after the first day of November immediately succeeding the date referred to in clause (a).

Madras Act
IV of 1919.

Madras Act
V of 1920.

Madras Act
V of 1920.

3. The term of office of the councillors of every municipality constituted under the Madras District Municipalities Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras District Municipalities Act, 1920, as amended by this section, shall have effect accordingly.

Statement of
term of office
of councillors
of certain
municipalities
which are now
expiring on
31st November
1942.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such municipalities or any of them expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

4. (1) Where any municipal council which has been superseded or dissolved, whether under the Madras District Municipalities Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any municipal council is superseded or dissolved after the commencement of this Act, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

Madras Act
V of 1920.

Madras Act
V of 1920.

Special
provision for
councils
which are
superseded
or dissolved.

(a) All the members of the municipal council when it is reconstituted shall be appointed by the Provincial Government.

(b) The Provincial Government shall have power to reduce the strength of the reconstituted council and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon on the date fixed under clause (c).

(c) The councillors appointed under clause (a) shall, subject to the provisions of the Madras District Municipalities Act, 1920, Madras Act V of 1920. and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, Madras Act XI of 1921. not hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government:

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

(d) Any casual vacancy arising in the office of a councillor before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the councillor so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).

(e) All the provisions of the Madras District Municipalities Act, 1920, relating to the Madras Act V of 1920. duties, powers, liabilities, disqualifications and disabilities of councillors shall, save as regards the disqualification on the ground referred to in section 43 (1) of that Act, be applicable to the councillors appointed under this sub-section.

(2) Save as provided in sub-section (1), the Madras District Municipalities Act, 1920, shall apply to the council as reconstituted under that sub-section Madras Act V of 1920. in the same manner as it would apply to a council constituted by election under the Act aforesaid, and

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in particular, the reconstituted council shall elect a chairman and a vice-chairman in accordance with the provisions of section 12 of the said Act.

5. In the case of any municipality constituted under the Madras District Municipalities Act, 1920, to which neither section 3 nor section 4 applies, the Provincial Government shall have power to extend the term of office of the councillors up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

Extension of term of office of councillors of districts municipalities in other cases.

6. Where any date other than the first day of November of any year is fixed under the proviso to section 3 or under section 4 (1) (c), or section 5, the provisions of the Madras District Municipalities Act, 1920, shall be subject to the following modifications, namely:—

Special provisions where election contemplated by election with effect from a date other than the 1st November.

(a) The Provincial Government shall cause elections to be held to every municipality concerned, so that the newly elected members may come into office on the date fixed as aforesaid.

(b) The term of office of the newly elected councillors shall, subject to the provisions of the Madras District Municipalities Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire at noon on the first day of November immediately succeeding the expiry of three years from the date referred to in clause (a).

Madras Act V of 1920,
Madras Act II of 1921.

7. The term of office of the members of every district board constituted under the Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras Local Boards Act, 1920, as amended by this section, shall have effect accordingly:

Extension of term of office of members of district boards now expiring on the 1st November 1942.

Madras Act XIV of 1920,
Madras Act XIV of 1942.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such district boards or any of

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them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

Special
provision
for classes
boards which
are super-
seded or
dissolved.

8. (1) Where any district board which has been superseded or dissolved, whether under the Madras Local Boards Act, 1920, or otherwise, has not been reconstituted before the commencement of this Act, or where any district board is superseded or dissolved after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

Madras Act
XIV of 1920.

Madras Act
XXIV of 1920.

(a) All the members of the district board when it is reconstituted shall be appointed by the Provincial Government.

(b) The Provincial Government shall have power to reduce the strength of the reconstituted board and to alter or abolish the reservation of seats for any community or for women in any manner they think fit; but all orders issued under this clause shall cease to have effect at noon on the date fixed under clause (c).

(c) The members appointed under clause (a) shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, hold office up to noon on such date, not being later than twelve months from the termination of the present war, as may be fixed by the Provincial Government.

Madras Act
XIV of 1920.

Madras Act
XXIV of 1920.

Provided that the Provincial Government shall have power to advance or postpone the date aforesaid and fix instead another date, not being later than twelve months from the termination of the present war.

(d) Any casual vacancy arising in the office of a member before the date fixed under clause (c) shall be filled by appointment by the Provincial Government, and the member so appointed shall hold office only up to noon on the date aforesaid and subject to the provisions mentioned in clause (c).

Madras Act
XIV of 1920.

(c) All the provisions of the Madras Local Boards Act, 1920, relating to the duties, powers, liabilities, disqualifications and disabilities of members of district boards shall, save as regards the disqualification on the ground referred to in section 54 (1) of that Act, be applicable to the members appointed under this sub-section.

Madras Act
XIV of 1920.

(2) Save as provided in sub-section (1), the Madras Local Boards Act, 1920, shall apply to the district board so reconstituted under that sub-section in the same manner as it would apply to a district board constituted by election under the Act aforesaid and in particular, the reconstituted district board shall elect a president and a vice-president in accordance with the provisions of section 12 of the said Act.

Madras Act
XIV of 1920.

9. The term of office of the members of every panchayat constituted under the Madras Local Boards Act, 1920, which under the law now in force extends up to noon on the first day of November 1942, shall extend instead up to noon on the first day of November 1943, and the provisions of the Madras Local Boards Act, 1920, as amended by this section, shall have effect accordingly.

Extension of term of office of members of panchayats now expiring on 1st November 1942.

Madras Act
XIV of 1920.

Provided that the Provincial Government shall have power to direct that the term of office aforesaid shall, in the case of such panchayats or any of them, expire at, or extend up to, noon on such earlier or later date as may be fixed by them, and from time to time to advance or postpone any date so fixed and fix another date instead.

Madras Act
XIV of 1920.

10. In the case of any panchayat constituted under the Madras Local Boards Act, 1920, to which section 9 does not apply, the Provincial Government shall have power to extend the term of office of the members up to noon on such date as may be fixed by them and from time to time to advance or postpone any date so fixed and fix another date instead.

Extension of term of office of members of panchayats in other cases.

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11. Where any district board or panchayat has to be reconstituted by election for the first time after the commencement of this Act, the provisions of the Madras Local Boards Act, 1920, shall be subject to the following modifications, namely:—

(a) The Provincial Government shall cause elections to be held to the district board or panchayat, so that the newly elected members may come into office on the date on which the term of the members previously holding office will expire.

(b) The term of office of the newly elected members shall, subject to the provisions of the Madras Local Boards Act, 1920, and the Madras District Municipalities and Local Boards (Amendment) Act, 1921, expire in such calendar year and on such date therein as the Provincial Government may fix:

Provided that the same calendar year shall be fixed in respect of all district boards and panchayats situated in any of the districts included in the same Group of the Schedule to the Madras Local Boards (Amendment) Act, 1921.

12. If any difficulty arises in giving effect to the provisions of this Act, or of the Madras City Municipal Act, 1920, the Madras District Municipalities Act, 1920, or the Madras Local Boards Act, 1920, as amended by this Act, the Provincial Government may, as occasion may arise, by order do anything which appears to them necessary for the purpose of removing the difficulty.

(By order of His Excellency the Governor)

P. APPU NAIDU,
Secretary to Government, Legal Department.

LEGAL DEPARTMENT.

NOTIFICATION.

The following Statement of the reasons which have moved His Excellency the Governor to make the Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, in exercise of the powers of the Provincial Legislature assigned by him under the Proclamation issued under section 93 of the Government of India Act, 1935, is published for general information:—

STATEMENT.

The term of office of councillors and members of the Corporation of Madras, of councillors of municipal municipal councils and of members of district boards and panchayats is ordinarily three years. This term was however extended up to noon on the 1st November 1942 in all cases where it expired at earlier dates, by Madras Act VI of 1942 read with Madras Acts XVII of 1941 and XIII of 1940. The term of office of certain district boards and panchayats, viz., those situated in the districts included in Group III of the Schedule to Madras Act XIII of 1935, also expires on the 1st November 1942. Ordinary elections to all the bodies mentioned (except such of them as have been superseded) should in the normal course be held before the end of October 1942, in order to enable the newly elected members to assume office on the 1st November. In the existing conditions, it would be highly undesirable to hold these elections. The reasons which compelled the postponement of the elections on previous occasions are still operative in equal, if not, greater measure. In particular, it is of the utmost importance now that the officers on whom the work of conducting the elections will devolve, should be left free to do urgent duties consequent on the situation created by the war in addition to their normal duties. It is therefore necessary that elections to local bodies which are due to take place before the 31st October 1942 should be postponed and that the term of office of the existing members should be extended up to the 1st November 1942. The Madras City Municipal, District Municipalities and Local Boards (Second Amendment) Act, 1942, has been enacted to give effect to this object.

The Act also takes power to extend the term of local bodies still further, should need thereby arise. This will prevent the necessity for fresh legislation for the purpose. If however the situation undergoes a change and it becomes possible to hold the elections earlier, Government will have power under the Act to issue the necessary orders.

Certain district boards and municipal councils have been recently superseded or dissolved under the Acts governing them as well as under the Defence of India Rules. As already explained, it is undesirable to hold elections to these boards and councils under the conditions prevailing at present. If administration by a single officer such as the Collector or the Municipal Commissioner is to be avoided, the only alternative is to constitute these district boards and councils by nomination. Administration by a board or council, even though it be a nominated one, is preferable to a continuance of administration by a special officer for an indeterminate period; but where a municipal council or local board has been superseded for financial incompetence it is proposed to retain administration by a special officer until its finances are put in order. Provision has been accordingly made in the Act for replacing district boards and municipal councils which have been superseded or dissolved, by nominated bodies. As smaller bodies than those which existed before the supersession or dissolution may be sufficient, power has been taken in the Act to reduce the strength of the boards and councils and to pass consequential orders in the matter of reservation of seats for communities or for women. These nominated bodies will exist only for the duration of the war and therefore for a period not exceeding twelve months. They will elect their own presidents and vice-presidents or chairmen and vice-chairmen and will function in all respects as if the members thereof had been duly elected instead of being nominated. As no revision of the electoral rolls is contemplated, power has been taken to nominate persons to these bodies, even though their names are not included in the electoral rolls thereof.

Power has also been taken to ensure that elections to district boards and panchayats in the same group of districts take place in the same year.

In other respects, the Act is mostly based on the provisions of Madras Act VI of 1940.

(By order of His Excellency the Governor)

P. APPU NAIR,
Secretary to Government.